

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

LEGACY CAPITAL LTD.,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-05286 (SMB)

**STIPULATION AND ORDER REGARDING BRIEFING SCHEDULE ON THE  
TRUSTEE'S MOTION FOR SUMMARY JUDGMENT**

The plaintiff, Irving H. Picard, trustee ("Trustee") for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC ("BLMIS") and the estate of Bernard L. Madoff, individually ("Madoff"), and defendant Legacy Capital Ltd. ("Legacy Capital"), by and through their respective, undersigned counsel (collectively, the "Parties"), state as follows:

**WHEREAS**, on December 21, 2018, the Trustee moved for summary judgment (the “Motion”) on Count One of the Trustee’s amended complaint in this adversary proceeding (ECF No. 190); and

**WHEREAS**, the Parties have conferred to prepare an agreed-upon briefing schedule relating to the Motion.

**NOW, THEREFORE**, the Parties agree and stipulate to the following:

1. Legacy Capital shall file and serve its opposition to the Motion on or before **February 22, 2019**.
2. The Trustee shall file and serve his reply papers on or before **March 20, 2019**.
3. The previously scheduled hearing date of **April 3, 2019 at 10:00 a.m.** remains the same.

Dated: New York, New York  
January 9, 2019

/s/ Oren J. Warshavsky  
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*Attorneys for Irving H. Picard, Trustee for  
the Substantively Consolidated SIPA  
Liquidation of Bernard L. Madoff  
Investment Securities LLC and  
Estate of Bernard L. Madoff*

SO ORDERED this 9<sup>th</sup> day of January, 2019.

/s/ STUART M. BERNSTEIN  
HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE